

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Civil Action No. 1:20-cv-00039-MR**

**THOSE CERTAIN UNDERWRITERS
AT LLOYD'S, LONDON, subscribing
to Certificate No. 492300,**

Plaintiffs,

vs.

**WH HEALTHCARE GROUP, LLC, an
administratively dissolved North
Carolina limited liability company;
SUPERIOR HEALTHCARE
PHYSICAL MEDICINE AND REHAB,
PC, a dissolved North Carolina
professional corporation; JEFFREY G.
HEDGES, D.C.; and ANDREW
WELLS, D.C.;**

Defendants.

**DEFAULT JUDGMENT AS TO
WH HEALTHCARE GROUP,
LLC AND SUPERIOR
HEALTHCARE PHYSICAL
MEDICINE AND REHAB, PC**

THIS MATTER IS BEFORE THE COURT on the Plaintiffs' Motion for Default Judgment as to Defendants WH Healthcare Group, LLC and Superior Healthcare Physical Medicine and Rehab, PC (collectively the "Defaulting Defendants"). [Doc. 29].

Having considered the motion and the record, the Court enters the following Order granting the motion and entering Default Judgment against the Defaulting Defendants identified above as follows:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. This Court has personal jurisdiction over the Defaulting Defendants and the subject matter of this action. Venue is proper in the Western District of North Carolina.

2. Each of the Defaulting Defendants identified above was properly served with a summons and a copy of the Complaint pursuant to Fed. R. Civ. P. 4. Thus, they have proper notice of this action.

3. As of the date of this Order, the Defaulting Defendants have failed to answer or otherwise file a responsive pleading to the Complaint as required by the Federal Rules of Civil Procedure.

4. The Clerk entered a Default against the Defaulting Defendants on April 9, 2020. [Doc. 21].

5. Notice of the Plaintiffs' Motion for Default Judgment was served on all counsel of record in this case, and also on the agents for service of process of the Defaulting Defendants by mail on June 15, 2020.

6. By virtue of their defaults and failure to respond, the Defaulting Defendants have admitted the allegations of the Complaint, and the Plaintiffs have established the propriety of the relief sought against the Defaulting Defendants in this Motion.

Accordingly, **IT IS, THEREFORE, ORDERED ADJUDGED, AND DECREED** that Plaintiffs' Motion for Default Judgment [Doc. 29] is **GRANTED**, and Default Judgment is hereby entered against Defendants WH Healthcare Group, LLC and Superior Healthcare Physical Medicine and Rehab, PC as follows:

1. The Court hereby declares that the allegations contained in the Plaintiffs' Complaint are admitted as against the Defaulting Defendants.
2. The Court hereby declares that the allegations contained in the Government's Intervention Complaint, Case No. 5:16-CV-127-BO, in the United States District Court for the Eastern District of North Carolina, do not trigger a duty to defend or indemnify the Defaulting Defendants under the e-MD®/MEDEFENSE® Plus Coverage, Certificate No. 492300 ("the Policy") issued by Plaintiffs to Defendant Superior Healthcare Physical Medicine and Rehab, PC, as the Named Insured, Superior Healthcare Physical Medicine and Rehab, PC, is not a defendant in that action; and it is not alleged that the Additional Insured, WH Healthcare Group, LLC, was "... acting solely on behalf of, or at the direction of, the Named Insured" as required by Endorsement 3 of the Policy in order to become eligible for coverage as an Additional Insured.
3. Pursuant to Paragraph 26 of the Policy, the Court hereby declares the Policy to be null and void as to the Defaulting Defendants.

Further, there being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is directed to enter this Default Judgment forthwith and without further notice.

IT IS SO ORDERED.

Signed: August 18, 2023



Martin Reidinger
Chief United States District Judge

